

HOUSE BILL REPORT

HB 2617

As Passed Legislature

Title: An act relating to allowing local jurisdictions to allow off-road vehicles to operate on designated city or county roads.

Brief Description: Allowing local jurisdictions to allow off-road vehicles to operate on designated city or county roads.

Sponsors: By Representatives Kretz, Blake, Ahern, Schindler, Sump, Condotta, Holmquist, Kristiansen, Serben, Campbell, McDonald, Hinkle and Dunn.

Brief History:

Committee Activity:

Transportation: 1/23/06, 2/6/06 [DP].

Floor Activity:

Passed House: 2/11/06, 84-11.

Senate Amended.

Passed Senate: 3/1/06, 46-0.

House Concurred.

Passed House: 3/4/06, 90-7.

Passed Legislature.

Brief Summary of Bill

- Authorizing certain local jurisdictions to allow off-road vehicles to operate on designated city or county roads.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass. Signed by 22 members: Representatives Wallace, Vice Chair; Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Buck, Campbell, Clibborn, Curtis, Ericksen, Hankins, Holmquist, Jarrett, Kilmer, Lovick, Morris, Nixon, Rodne, Schindler, Sells, Shabro, Takko, Upthegrove and Wood.

Minority Report: Do not pass. Signed by 7 members: Representatives Murray, Chair; Appleton, Dickerson, Flannigan, Hudgins, Simpson and B. Sullivan.

Staff: Teresa Berntsen (786-7301).

Background:

Off-Road Vehicle Use

Current law allows off-road vehicles (ORVs) to operate on a nonhighway road if the state, federal, local, or private authority responsible for the management of the road has authorized the use of ORVs.

For the purposes of the statutes regulating ORVs, nonhighway roads are defined as roads that are owned or managed by a public agency who has granted an easement for public use, and that do not receive funds from the Motor Vehicle Account. Highway roads are defined as public roads that are generally capable of travel by a conventional automobile.

A local jurisdiction or state agency may regulate the operation of ORVs on land and roads within its jurisdiction, provided such regulations are not less stringent than state statute.

The ORVs must have a use permit decal issued by the Department of Licensing, with certain exceptions. When operating on lands not owned by the ORV owner or operator, ORVs must meet certain equipment standards and operators must wear helmets, unless the ORV has a roll bar or an enclosed passenger compartment. Such ORVs are exempt from the licensing and equipment standards applied to highway vehicles.

Limited Liability for Recreational Use of Lands

Current law states that persons who allow their land to be used by the public for certain activities are not liable for unintentional injuries sustained on their property, under certain circumstances. This limited liability applies to persons who allow the following types of activities: outdoor recreation without charging a fee, fish and wildlife cooperative projects, litter cleanup, or firewood cutting and gathering for a fee of up to \$25.

Summary of Bill:

Off-Road Vehicle Use

The following cities or counties may allow the use of off-road vehicles on designated city or county roads, including highway roads:
cities with a population less than 3,000; and counties, if the road or highway is a direct connection between a city with a population less than 3,000 and an ORV recreation facility. The ORVs operating on designated city or county roads are exempt from the licensing and equipment standards that apply to vehicles operating on highway roads. Such ORVs are not exempted from the use permit, equipment, and operating standards generally applied to ORV use.

Limited Liability for Recreational Use of Lands RCW 4.24.210 regarding limited liability for unintentional injuries sustained on recreational lands is applied to:

certain publicly owned ORV sports parks where a fee of not more than \$20 is charged for access; and public facilities accessed by a highway, street, or road for the purposes of ORV use.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (In support) This bill allows cities and towns to provide critical linkage to recreational use roads. Small towns in rural areas often have surrounding federal and state land with ORV trails, but there is no link from the town to the trail heads, requiring persons to load their ORVs on trailers. This bill will benefit communities who rely on income related to ORV use. Legislation was passed last year that authorizes local jurisdictions to allow ORV use, but a county official received an Office of the Attorney General opinion that indicated the bill did not authorize local officials to allow ORVs on highway roads.

(Concerns) This bill could potentially increase All-Terrain Vehicle (ATV) use on state park property, in particular ocean beach approach roads. The ATV use is already a problem on ocean beach roads.

Testimony Against: This bill does not address safety concerns related to allowing ORVs on roads that allow other motor vehicles. The ORVs have higher noise level thresholds than other motor vehicles. This bill could increase the opportunity for persons to use city or county roads to trespass on private property.

Persons Testifying: (In support) Representative Kretz, prime sponsor; Representative Hinkle; and Richard Coppock, North Central Washington All-Terrain Vehicle Club.

(Concerns) Edward Girard, Washington State Parks.

(Opposed) Andrea Fontenot.

Persons Signed In To Testify But Not Testifying: None.